
From: Weinberg, Anne
To: Waye, Don
Sent: 2/19/2015 10:27:12 AM
Subject: FW: FYI Only: Water articles in the Press

Good luck – this article implies a potentially large future work load for the CZARA program aka you...

From: Bravo, Antonio
Sent: Thursday, February 19, 2015 9:46 AM
To: OW-OWOW-EVERYONE
Subject: FYI Only: Water articles in the Press

DAILY NEWS

EPA, NOAA Rejection Of Oregon Coastal Plan Sets Stage For Other States

Posted: February 18, 2015

EPA and the National Oceanic & Atmospheric Administration's (NOAA) recent rejection of Oregon's plan to control coastal nonpoint source pollution sets an important precedent that increases the chances the agencies will soon make decisions about 10 other states' coastal programs that have been operating under conditional approvals for more than a decade, according to an informed environmentalist.

The agencies' [Jan. 30 finalization](#) of their finding that Oregon's coastal nonpoint pollution control program (CNPCP) is not fully approvable "has put the federal agencies themselves under pressure to get these other states wrapped up," the source says. "It does set a precedent that perhaps the federal agencies actually mean what they say and are willing to stand by their repeated findings. I know that sounds obvious but, trust me, it's not."

A NOAA spokeswoman says that although the agencies have been working with the 10 states with programs that are operating under conditional approvals, NOAA has been giving a great deal of focus to Oregon's program and does not expect to issue any final approvals for other states before the next round of funding is appropriated this summer.

"I don't think that we are looking at any proposed *Federal Register* notices in the near term," she says.

The disapproval of Oregon's program is the first time EPA and NOAA have made such a finding, and the decision comes as the result of a [2010 settlement agreement](#) with environmentalists in the U.S. District Court for the District of Oregon case *Northwest Environmental Advocates v. Gary Locke et al.*, which set deadlines for final federal action.

The decision could cut the program's Coastal Zone Management Act (CZMA) and Clean Water Act section 319 grants by 30 percent as early as July 1. And if the state doesn't submit an approvable program by 2016, the Oregon Department of Environmental Quality (DEQ) could face further reductions in these grants.

The informed environmentalist source expects the agencies to cut the specified grants by 30 percent. However, the NOAA spokeswoman says the agencies have been focusing more on DEQ's progress in developing an approvable program rather than assessing penalties.

"As the state continues to make progress we will evaluate the withholding of those funds as we get closer to the summer," the spokeswoman says. "We think that the state is committed to making progress, and NOAA and EPA are absolutely committed to working with the states."

Under the CZMA, states are required to develop CNPCPs that outline how they will control runoff from six main sources: agriculture, forestry, urban areas, marinas, shoreline and stream channel modification, wetlands, and riparian and vegetated treatment systems.

All coastal states were initially granted conditional approval of their plans, which allows them to receive federal grants to control nonpoint source pollution while they work on meeting the CZMA's conditions for grant eligibility. Environmentalists have been critical of this practice and sued the federal agencies in 2009 over the lack of a final decision on Oregon's plan. EPA and NOAA, under the settlement agreement, were to make a final decision by May 15, 2014, but that date slipped due to a large volume of public comments on the 2013 proposed decision and the government shut down in 2013.

Forestry Concerns

EPA and NOAA disapproved Oregon's program based solely on DEQ's forestry practice rules, finding the state's approach provides inadequate riparian protection measures, fails to control runoff from logging roads built before 1971 and fails to prevent landslides and pesticides from entering streams, according to the decision document.

The federal agencies also raise concerns about Oregon's agriculture management measures, but those issues are not the basis for the

disapproval because the 2013 proposed decision merely sought comment on the state's approach and did not include a rationale for rejecting the program for agricultural reasons, the decision document says.

Among the concerns raised in public comments are "enforcement is limited and largely complaint-driven;" the agriculture water quality management plans do not include specific enough implementation requirements, such as for buffers that protect fish habitats and water quality; the measures focus too sharply on impaired areas rather than also protecting waters from becoming impaired; DEQ lacks a formalized process to track implementation and effectiveness; and the measures do not address legacy issues created by agriculture.

EPA and NOAA issued DEQ an interim approval in 2004 for the agriculture measures, a NOAA spokeswoman says, and the agencies "will be in discussion" with DEQ about potential actions the state may be required to take for a future approval.

"We will be making a decision at some point about the state's agricultural measures and activities that they take on are in fact part of what we would think would be an approvable program," the spokeswoman says. "The state doesn't receive final approval until we go through those steps of reviewing all of the parts that we have determined where the state has gaps and also put out a proposed approvability finding in a *Federal Register* notice."

The 2013 proposed disapproval also listed problems with control measures for new development and onsite sewage disposal systems, but the final document says that DEQ has satisfied conditions for those parameters. However, the agencies did not provide a rationale for those measures in the decision document, saying that they "will provide a rationale for public comment if/when the federal agencies are in a position to propose full approval of Oregon's coastal nonpoint pollution control program at a later point in time."

Other states that are still operating under conditional approvals include Alabama, Georgia, Hawaii, Indiana, Louisiana, Michigan, Mississippi, Ohio, Texas and Washington.

The environmentalist source says political pressure from nonpoint source industries "keeps these states' [plans] in limbo, neither approved nor disapproved," but the source is optimistic that EPA's and NOAA's decision will induce change despite the likelihood that DEQ will have less money to run an effective program.

"There is generally a lot of political pressure [on the agencies] to walk away from the science and the facts on the ground that are the basis for those findings," the source says. "I have no problem with cutting funds when the agencies are simply wasting it to begin with. They play around at nonpoint source control, but they don't do any of it. Why reward that with federal taxpayer dollars?" -- *Chris Cotelesse* (ccotelesse@iwpnews.com)

DAILY NEWS

EPA's FY16 Bid To Expand Public-Private Water Projects Faces Opposition

Posted: February 13, 2015

Water utilities are pushing back on EPA's fiscal year 2016 proposal to expand public-private water infrastructure projects including potentially expanding a novel pilot effort in Maryland, a move they see as a bid by the agency to justify its plan to cut \$53 million from its combined clean water and drinking water state revolving funds (SRFs).

In [a fact sheet](#) from utilities, including drinking water and wastewater systems, they attack EPA's budget for cutting millions from the SRFs to help fund programs that funnel private capital into water infrastructure projects, including the agency's recently announced Water Finance Center that will promote public-private partnerships (P3s).

The center "has no statutory basis and was recently created to focus on public-private partnerships and preparation for implementing WIFIA, all at the expense of the [clean water] and [drinking water] SRF programs," the sheet says.

President Obama's proposed FY16 budget would boost EPA's overall funding by \$452 million from its current level of \$8.139 billion to \$8.591 billion. The proposal includes [a request for \\$5 million](#) "to begin developing the information necessary to lay the groundwork" to implement the Water Infrastructure Finance and Innovation Act (WIFIA). Congress in 2014 authorized WIFIA, a five-year pilot program to water infrastructure projects and would give low-interest loans to entities for large water and wastewater projects, but did not appropriate funds for it.

Obama is also floating [a \\$332 million cut](#) to the clean water SRF taking it down to \$1.116 billion compared to its current level of \$1.448 billion. The drinking water SRF would receive a \$279 million boost, taking it from its current level of \$906 million up to \$1.186 billion. Combined, overall SRF funding would be cut by \$53 million.

Stakeholders have argued that the SRFs are a more efficient use of infrastructure funding than P3s, however, and expressed concerns in the weeks before EPA's budget proposal that the White House would seek to divert appropriations from the revolving funds to private infrastructure bonds and other P3 financing mechanisms.

Congress in recent appropriations bills has rejected White House proposals for major cuts to the SRFs, but the fate of EPA's budget including the SRFs is in doubt in FY16 compared to previous years thanks to the GOP control of the Senate. Republicans in the House backed major reductions to the revolving funds in FY15 and FY14.

However, Sen. James Inhofe (R-OK), chair of the Environment & Public Works Committee, in a statement on President Obama's budget proposal criticized the president for proposing SRF cuts while seeking \$239 million to fund mandatory and voluntary policies designed to cut carbon dioxide emissions. His statement signals that the GOP might focus its preferred budget cuts away from the water infrastructure programs.

Water Infrastructure

While the White House is urging cuts to its overall SRF appropriations, the agency is investigating new, alternative ways to fund water infrastructure with P3s -- most recently at a Jan. 23 meeting between Region 1 Administrator Curt Spalding, other regional officials and the private infrastructure firm Corvias Group, where the parties discussed an expansion of the P3 program Corvias is involved with in Prince George's County, MD.

According to a source with knowledge of the meeting, Spalding and EPA staffers said their goal was "to start the process of determining whether there are some places they could apply" the P3 model developed in Maryland.

Although there was no firm commitment to move forward, "There were some areas and projects that they started thinking out loud about," according to the source.

The Prince George's County framework -- which EPA has touted as a model, including at a "Clean Water Finance Dialogue" meeting June 24 in New York City -- funds the construction and maintenance of new stormwater infrastructure by a private company through bonds guaranteed by the SRF.

In the long term, repayment on the debt is expected to come from fees assessed by the local government, but third parties -- such as a transit center, homeowners or business districts also under compliance requirements that could benefit with partnering with a local jurisdiction through a P3 -- could also share in project repayment costs.

While the program underway in Maryland is focused on implementing a watershed-level plan for improving waterbody health by reducing stormwater discharges, the source says only the core financing mechanisms of the program would be applied to pilots in other regions. "That was part of the conversation -- how do we take this framework and adjust it to fit with the way the stormwater management process works in our states. . . . We emphasized that the P3 model is flexible enough to basically be able to take whichever planning mechanism that the state does and compare it against the public-private partnership model of financing," the source says.

A Region 1 spokesman did not respond to a request for comment on the meeting.

P3 financing could come through WIFIA, which was authorized by Congress in 2014 for a five-year pilot but has yet to be funded and would give low-interest loans to entities for large water and wastewater projects, or from the finance center, which is supported by general appropriations for EPA rather than a specific Congressional authorization and is designed to help municipal and state governments use federal grants to attract more private capital into projects.

A White House fact sheet says the center will issue a new type of bond called a qualified public infrastructure bond (QPIB), which will "expand the scope" of private activity bonds (PABs) to include financing for a wider range of projects. PABs are tax-exempt bonds issued by state and local governments that can be used by a private entity conducting a project in the public interest or by a government entity for certain P3s.

But the center's creation drew opposition from environmentalists and some utility groups that argued P3s should not supplant the SRFs as a preferred financing mechanism. Wastewater sector and drinking water sources said ahead of the White House's budget proposal that stakeholders consider SRFs more efficient and were concerned that funding for the new municipal bonds in particular could siphon money away from the SRFs.

Tax Breaks

Meanwhile, environmental groups that oppose the use of P3s to finance water infrastructure projects say another major difference between PABs and QPIBs is that the new bonds would be exempt from the alternative minimum income tax, creating new tax breaks for private investors.

A bipartisan panel organized by the House Transportation & Infrastructure Committee found last year that P3s can offer significant benefits in some cases but says there is little data on how they can work for drinking water and wastewater projects and they should not be thought of as the solution to infrastructure funding challenges.

The Sept. 17 report said that "P3 procurements have the potential to deliver certain high-cost, technically complex projects more quickly or in a different manner than would otherwise occur under traditional procurement and financing mechanisms." But these projects can only address a small portion of the nation's infrastructure needs, and adequate federal investment in infrastructure remains necessary, the report continued.

-- David LaRoss(dlaross@iwpnews.com)

NEWS BRIEFS

Senate Receives EPA Nominees For Data, International Offices

Posted: February 13, 2015

The Senate has formally received President Obama's nomination of Ann Dunkin to head EPA's Office of Environmental Information (OEI) and Jane Nishida to be the next top Office of International and Tribal Affairs official, renewing an attempt to win confirmation of their nominations that failed to move in the 113th Congress.

According to the *Congressional Record*, the two nominations were received Feb. 12, shortly after the Senate chamber received formal notification Jan. 27 of the president's decision to nominate acting EPA Deputy Administrator Stan Meiburg to [take the position on a permanent basis](#).

The Senate Environment & Public Works Committee will hold hearings on the nominees that will likely give GOP lawmakers a chance to reiterate their criticisms of a host of EPA policies.

Nominees for other top-level assistant administrator positions currently vacant or held by acting officials, including the heads of the air, water and finance offices, have yet to be formally submitted.

In lieu of permanent appointees at those positions, EPA is relying heavily on career staff to serve as interim officials; the agency now has seven such offices with no Senate-confirmed appointee. They include the deputy administrator; the assistant administrators for air and radiation, water, administration and resource management, research and development, and international and tribal affairs; the chief financial officer (CFO); and the chief information officer.

Currently filling those spots as interim appointees are Meiburg; Janet McCabe as acting air chief; acting CFO David Bloom; and acting research head Lek Kadeli. The information, tribal and water offices have no formally appointed acting leader, though Nishida, now the principal deputy assistant administrator for tribal affairs, Ken Kopocis, the deputy assistant administrator for water who spent three years as the nominee to be assistant administrator, are serving as the departments' *de facto* heads.

Dunkin would serve as the assistant administrator in charge of OEI, which identifies and implements "innovative information technology and information management solutions that strengthen EPA's ability to achieve its goals," according to a description on OEI's website. The office manages the agency's Toxics Release Inventory to which industry reports annual chemical releases, as well as other programs.

Renee Wynn is the current acting chief information officer overseeing OEI, with Ron Borsellino as acting principal deputy, the website says. Nishida meanwhile would head the Office of International and Tribal Affairs (OITA), which is responsible for implementing "technical and policy options" for dealing with international environmental concerns, according to OITA's website, as well as coordinating the agency's work with Native American tribal governments.

EPA also announced Feb. 13 that Randy Hill will be the permanent deputy assistant administrator at OITA, after serving as one of the four judges on the agency's Environmental Appeals Board.

He has formerly been deputy director in the office of enforcement and the office of wastewater management, and the permanent deputy director of the wastewater office.

From the Great Lakes...

Coalition opposes President Obama's funding cut for Great Lakes

Columbus Dispatch



Lake Michigan shoreline.

President Obama's budget proposal for 2016 includes a significant cut in funds for the Great Lakes Initiative, and some groups have responded by calling the president's proposal a "non-starter."

The Healing Our Waters-Great Lakes Coalition, which claims as members more than 115 environmental, conservation and outdoor recreation organizations, announced last week a campaign to restore \$50-million in proposed federal cuts for cleanup programs.

The president's proposal would allocate \$250 million in fiscal year 2016, down from \$300 million that has been the norm for a number of years.

What is the Great Lakes cleanup plan, and why does it matter if Obama wants to cut it?

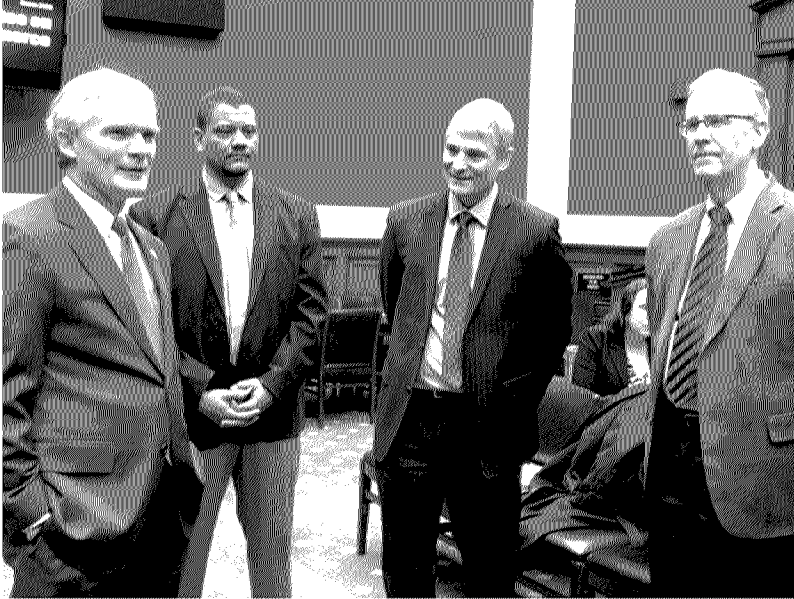
The Plain Dealer

Obama proposed this but now wants to cut it?

Yes. Obama's 2016 budget proposal recommended \$250 million for the GLRI, which is \$50 million less than the amount Congress provided for 2015 and much less than Obama proposed as a presidential candidate. His administration says it can still accomplish the cleanup by focusing on key areas.

Bill aimed at toxic algae approved by U.S. House subcommittee

MLive.com



Rep. Bob Latta (left) chats with U.S. EPA officials before a hearing on a bill to address drinking water problems caused by algal blooms.

A House subcommittee has approved

legislation that would order the Environmental Protection Agency to act on the problem of toxic algal blooms that taint Lake Erie drinking water.

The action follows last summer's ban on consuming Toledo drinking water after it was polluted by dangerous levels of microcystin, a toxin spawned by algal blooms that feed on fertilizers entering the lake from nearby farms. The EPA does not currently have standards that say what levels of the toxins are unsafe.

The legislation drafted by Bowling Green GOP Rep. Bob Latta would give EPA 90 days to develop and submit a "strategic plan" to Congress for assessing and managing risks from cyanotoxins in drinking water.

Editorial

Don't talk about Lake Erie - act

Toledo Blade

Ohio lawmakers are congratulating themselves for their willingness to consider doing something they should have done months ago: take the first limited steps toward cleansing Lake Erie of toxic algae. No more talk. It's time for action.

Harmful algae blooms in Lake Erie, caused mostly by phosphorus-laden farm runoff into the watershed, generated a toxin that poisoned the Toledo area's water supply last August. That disaster deprived nearly 500,000 people of drinking water for three days.

Since then, politicians at the federal, state, and local levels have pledged to fight toxic algae in the lake. And when all was said and done, a lot got said, but little got done.

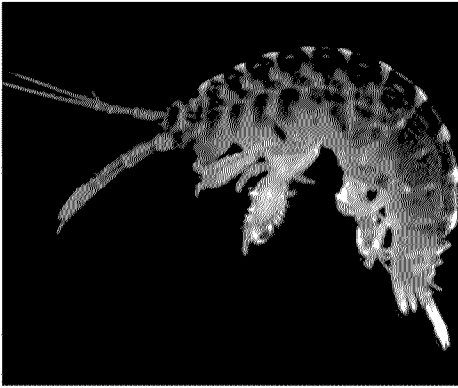
Canadian Federal and Ontario Provincial governments announce Great Lakes Agricultural Stewardship

The joint effort is a \$4 million investment over the next four years.

The funds will target the Lake Erie Basin and Lake Huron near the southeast shore to be used in a variety of ways including identifying methods of improving soil health, reducing run-off, improving pollinator habitat, addressing risks related to manure application and modifying equipment accordingly and implement management practices for soil erosion and cover crops

Researchers imagine killer shrimp invasion of Great Lakes

UPI



Dikerogammarus villosus: Killer Shrimp

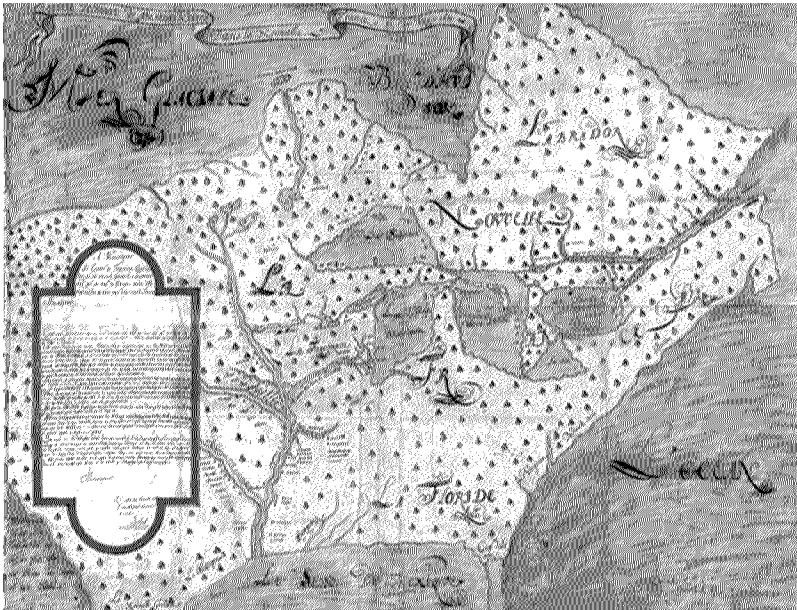
A new study predicts future invaders of the Great Lakes basin -- should stronger environmental protections not be enacted -- and one of them is the killer shrimp. It's not quite as frightening as a killer bee or killer shark, but it could be much more ecologically devastating.

Killer shrimp reproduce and grow very fast; they reach sexual maturity in just four to eight weeks. They also attack native species at random, killing small fish, nymphs, leeches and the eggs of other small vertebrates -- often with no intention of eating their prey.

The Chicago River and Invasive Species

Can We Reverse-Engineer the Environment?

New York Times



Louis Joliet's hand-drawn navigation chart of his 1673 expedition to the Mississippi.

In 1673, the French explorer Louis Joliet, at the site of present-day Chicago, had an idea: "It would only be necessary," he suggested, "to make a canal." This suggestion would eventually alter the history of the continent, as well as its ecology. We are still reckoning with the consequences in 2015.

A hundred or so years after it opened, Chicago's canal has been making news again. "Asian Carp DNA Found in Downtown Chicago, a Block From Lake Michigan" read a typical headline this past January.

Bald eagles make power plant their winter home

Detroit Free Press



(Watch video report)

The bald eagles perched very still in the trees along a discharge channel off Lake Erie - dozens of dark sentinels surveying the landscape around them, waiting for an opportunity to come along. Suddenly, a fish swimming below stirred one to action.

With a breathtaking spread and thump of its 6-foot-plus wingspan, the eagle took to the air. It glided, almost dancing along frigid air currents, before a sudden turn and dive to the water, its talons snatching a silvery fish.

This scene wasn't part of some pristine wilderness setting of babbling brooks and snow-capped mountains. It was in the industrial setting of DTE Energy's Monroe power plant.

And elsewhere...

Returning land to the river in Washington State

Yakima Herald



An old sign is one of the remnants of the trout-fishing operation that once occupied land between the Naches River.

Yakima County is buying an empty 65-acre field just south of Glee that it plans to give back to the Naches River.

The \$1 million project - part of a growing effort to return rivers to a more natural state - is just one example of a broad array of statewide water management concerns that together could cost hundreds of millions, if not billions of dollars.

Among those issues: managing polluted stormwater runoff, ensuring water supplies for homes and farms, and finding the money for growing maintenance and upgrade costs.

U.S. Fish & Wildlife Service would coordinate efforts of NGOs, state agencies, nonprofits

Delaware River Advocates Seek Support for Revived Federal Legislation

NJ Spotlight



Delaware River

The Delaware River Basin Conservation Act would implement a conservation program to improve water quality, manage fish stocks, control flooding, and improve recreational opportunities in the area that supplies water to some 16 million people in New Jersey, New York, Pennsylvania, and Delaware.

If the bill becomes law, the current efforts of organizations such as the Partnership for the Delaware Estuary and the Delaware River Basin Commission, along with state agencies and nonprofits, would be coordinated by the U.S. Fish & Wildlife Service. The measure also would

create a competitive grant and technical assistance program to groups working in the watershed.

Polluted waterway on the mend in Miami

Miami Herald



The Seybold Canal has long been considered one of the Miami's most polluted waterways, but the creek may finally be getting cleaned up.

Considered one of South Florida's most polluted waterways, the creek that winds through the heart of Miami-Dade County, past car repair shops, hospitals and jails, has long been used as Miami's toilet, filled with fish too toxic to eat. Pollution has come in every form, from humans to machines, going back decades.

At the creek's worst, after dioxin was found in 2003, Miami posted signs warning that any fish caught in the waterway were unsafe to eat. As recently as April, tests at one spot detected fecal matter more than 200 times higher than allowed levels.

But times are changing for the stinky little creek fed by the Biscayne Aquifer that once connected the Allapattah prairie to the Miami River and Biscayne Bay beyond.

Wyoming

Warmth gives ugly invasive fish brief reprieve from anglers

Park City Record



Burbot: One ugly invasive

Warm weather has helped grant a reprieve this year to a homely, eel-like and especially slimy invasive fish pursued by anglers as they compete for big money in two ice-fishing tournaments on the Wyoming-Utah line.

The goal of both annual events is to remove burbot (pronounced BUR'-but) from Flaming Gorge Reservoir.

Burbot are known for being best caught in frigid weather using smelly bait, for wrapping their slippery bodies around fishermen's arms - and for being delicious. Some call them the "poor man's lobster." But wind and highs in the 50s have kept the reservoir mostly ice-free lately. Much of the remaining ice near shore is getting dicey to walk on.

Agencies withdraw controversial Clean Water Act rule

Capital Press

Ag organizations overwhelmingly wanted the interpretive rule - regarding Section 404 exemptions - scrapped, saying it would lead to cost-prohibitive requirements, leave producers open to litigation and discourage participation in conservation programs.

The rule stated that producers are exempt from 56 routine farming practices "if" they comply with detailed Natural Resources Conservation Service technical conservation standards. Until March 2014, those conservation standards were voluntary and the farming practices exempt from the permit process.

Ag groups opposed the rule, saying it narrows the scope of what is considered normal farming practices and those practices would now require mandatory compliance with NRCS standards to be exempt. In addition, they claimed it would change the role of NRCS from friendly adviser to enforcer, raised questions whether conforming to NRCS standards was still voluntary and left producers uncertain as whether to follow NRCS standards or industry best management practices.

Stormwater solutions

Company developing way to filter out stormwater pollution upstream

Kitsap Peninsula Business Journal

A growing awareness of the problem is spurring more work on finding solutions, and Buzz Holmes and Ken Perry, principals in Pure Stormwater, are developing a line of storm drain filtration basins they think will be highly effective.

"Most of your catch basins (for stormwater runoff) don't typically have any filtration in them," Holmes said.

"The focus is to put filtration in, and catch as much of the nasty stuff as you can.

"It's really simple, honestly; it's not rocket science."

Love stinks

Brooklyn Wastewater Treatment Plant Again Offers Valentine's Tours

CBS New York



(Watch video report)

Forget flowers and candy this Valentine's Day.

Instead, you and your significant other can tour the Newtown Creek Wastewater Treatment Plant in Greenpoint, Brooklyn.

"After the wastewater leaves your house, a lot of people have the whole perception that that's it," said Zainool Ali, plant superintendent.

"Coming to the plant and going to the the tour, they actually see there's a whole world after you flush the toilet."

Antonio Bravo

Office of Wetlands, Oceans & Watersheds

202-566-1976